

4068-0002-0 PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

FRANCIS VANDERBIST ET AL

: ATTN: APPLICATION BRANCH

SERIAL NO. NEW U.S. APPLICATION
OF PCT/BE98/00064

FILED: HERewith

FOR: DRY POWDER INHALER EXCIPIENT,
PROCESS FOR ITS PREPARATION
AND PHARMACEUTICAL COMPOSITIONS
CONTAINING IT

PETITION TO ACCEPT
DECLARATION UNDER 37 C.F.R. 1.47(a)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicants respectfully petition to have the attached Declaration accepted under 37 CFR 1.47(a) in as much as one of the co-inventors, Mr. Paul Maes, has refused to execute the same.

STATEMENT OF FACTS

1) In mid-September, 1999, while completing preparation of papers to revive this application, Applicants attorneys were informed by one of the co-inventors, Mr. Arthur Deboeck, that another co-inventor, Mr. Paul Maes, was living somewhere in Canada, and known to be working at Biovail Corporation International;

2) Applicants' attorneys were instructed by telephone to forward Declaration and Assignment forms to a co-inventor, Mr. Philippe Baudier in Belgium, for execution by all of the inventors;

3) Accordingly, on September 23, 1999, Declaration and Assignment forms were forwarded by facsimile to Mr. Baudier for execution;

4) Mr. Baudier forwarded a letter to Mr. Paul Maes, dated September 27, 1999, in an effort to obtain the latter's signature of the Declaration and Assignment forms (copy of envelope enclosed);

5) Mr. Baudier's letter was marked "Return to Sender" and returned to him without the signature of Mr. Paul Maes as the documents were "Refused as of 1 October 1999" by Mr. Maes (see lower right hand portion of envelope); and

6) The Declaration and Assignment forms were forwarded to Applicants' attorneys at the end of October, 1999, and are hereby submitted..

RELIEF REQUESTED

Accordingly, it is respectfully petitioned that this application be accepted for revival and that the attached Declaration and Assignment forms be accepted in view of the above facts pursuant to 38 CFR 1.47 (a).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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SERIAL NO. NEW U.S. APPLICATION
OF PCT/BE98/00064

FILED: HEREWITH

FOR: DRY POWDER INHALER EXCIPIENT,
PROCESS FOR ITS PREPARATION
AND PHARMACEUTICAL COMPOSITIONS
CONTAINING IT

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. 1.137(b)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicants hereby respectfully petition to revive the attached International PCT
application which was due for national stage entry in the United States on January 7, 1999.

It is hereby stated in accordance with 37 CFR 1.37 (b) that the entire delay in filing
this application in the U.S. Patent Office from the due date for entering the national stage

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with the filing of a grantable petition pursuant to 37 CFR 1.137 (b) was unintentional.

Accordingly, in view of this petition and the attached application and related documents, granting of the petition and acceptance of the application is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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